

## 2 Rules Governing Competition

### 2.1 Identification and Classification of ITP Requirements

#### 2.1.1 Requirements

The State has established certain requirements with respect to Proposals to be submitted by prospective Contractors. The use of "shall," "must," or "will" (except to indicate simple futurity) in the ITP indicates a requirement or condition from which a deviation, if not material, may be waived by the State. A deviation from a requirement is material if the deficient response is not in substantial accord with the ITP requirements, provides an advantage to one Bidder over other Bidders, or has a potentially significant effect on the delivery, quantity or quality of items bid\*, the amount paid to the Bidder, or the cost to the State. Material deviations cannot be waived.

\*The word "bid" as used throughout is intended to mean "proposed," "propose" or "Proposal" as appropriate.

#### 2.1.2 Desirable Items

The words "should" or "may" in the ITP indicate desirable attributes or conditions that are nonmandatory in nature. Deviation from, or omission of, such a desirable feature, even if material, will not in itself cause rejection of the bid.

### 2.2 Bidding Requirements and Conditions

#### 2.2.1 General

This ITP, the evaluation of responses, and the award of any resultant contract shall be made in conformance with current competitive bidding procedures as they relate to the procurement of goods and services by public bodies in the State of California. A Bidder's Final Proposal is an irrevocable offer for **two hundred and forty (240) days** following the scheduled date for contract award specified in Section 1.5, Key Action Dates. A Bidder may extend the offer in the event of a delay of contract award.

#### 2.2.2 ITP Documents

This ITP includes, in addition to an explanation of the State's needs which must be met, instructions which prescribe the format and content of bids to be submitted and the model(s) of the contract(s) to be executed between the State and the successful Bidder.

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this ITP, the Bidder shall immediately notify the State of such error in writing and request clarification or modification of the document. Modifications will be made by addenda issued pursuant to Section 2.2.7, Addenda. Such clarifications shall be given by written notice to all parties who have been furnished an ITP for bidding purposes, without divulging the source of the request for the clarification. Insofar as practicable, the State will give such notices to other interested parties, but the State shall not be responsible therefor.

If the ITP contains an error known to the Bidder, or an error that reasonably should have been known, the Bidder shall bid at its own risk. If the Bidder fails to notify the State of the error